

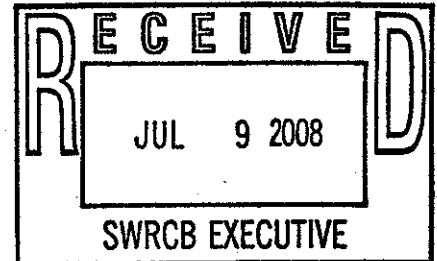


# United States Department of the Interior

OFFICE OF THE SOLICITOR  
Pacific Southwest Region  
2800 Cottage Way  
Room E-1712  
Sacramento, California 95825-1890

IN REPLY  
REFER TO:

July 9, 2008



Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95812

SUBJECT: Bay-Delta Strategic Workplan Comments

Dear Ms. Townsend:

The U.S. Department of the Interior (Interior) welcomes and appreciates this opportunity to submit comments on the State Water Resources Control Board (Board) Bay-Delta Strategic Workplan. These comments are on behalf of both the Bureau of Reclamation (Reclamation) and the Fish and Wildlife Service (Service).

As a general matter, Interior commends the Board for asking the right kinds of questions and identifying many appropriate issues regarding the future of the Bay-Delta. Interior supports the Board's plans to further examine contaminants, especially toxics, such as ammonia and selenium, and their impacts on Delta fisheries. Interior also supports water use efficiency efforts for all water users, in fact, Reclamation contractors have had to implement water conservation practices since 1982.

Interior supports and applauds the Board's participation in, and reliance on, the processes of the Bay-Delta Conservation Plan (BDCP). Reclamation and the Service are actively engaged in the BDCP process and believe that the BDCP is the best approach to develop near-term and long-term measures to recover and restore at-risk fish species in the Delta. The BDCP is favored as a collaborative approach over the Board holding any adversarial and inefficient public trust proceeding. History has shown that such proceedings take an enormous amount of time and resources and pit all water users and interests against each other, calling into question the quality of information received by the Board. The Board's recognition and use of the BDCP process is, therefore, appropriate.

However, should the Board consider a public trust proceeding regarding Delta resources in the future, Interior strongly believes that such a proceeding should focus on all water


users, legal or illegal, and should not be focused solely on Central Valley Project and State Water Project diversions.

Interior is pleased to note that the Board considers the review and implementation of Southern Delta salinity and San Joaquin River flow objectives as linked. Interior agrees. However, Interior strongly believes that the Board has never completed an accurate water budget of the San Joaquin. At some point in the Board's Strategic Workplan processes, an accurate accounting of the San Joaquin hydrology will be necessary.

The Strategic Workplan is "Delta-centric." While such an approach may seem to be an appropriate response to the current crises in the Delta, Interior notes that the Plan should address how changing beneficial uses or public trust values in the Delta will lead to changes or tradeoffs with beneficial uses or public trust values in the upstream portions of the Bay-Delta watershed. If the upstream systems are managed for Delta beneficial uses, there will be tradeoffs for upstream beneficial uses. An example is the need for upstream reservoirs to conserve water and build coldwater pool resources in the winter and spring months versus the need to provide for beneficial use flows in the Delta concurrently. In other words, the upstream Delta watersheds should also be viewed as independent, yet integrated, systems with beneficial use and public trust demands in addition to Delta needs. The Board should prioritize and manage the beneficial uses of both the upstream systems and the Delta to prevent conflict.

Interior looks forward to participating in the myriad of issues to be addressed by the Board through its Strategic Workplan activities. We believe the future holds many opportunities for the Board, Reclamation and the Service to work collaboratively toward equitable, meaningful, and reasonable solutions to water rights, public trust, contamination and flow issues in the Bay-Delta.

Sincerely,



Daniel G. Shillito  
Regional Solicitor